

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CLUB DONATELLO OWNERS
ASSOCIATION,

Plaintiff(s),

v.

GRINNELL CORP.,

Defendant(s).

No. C-05-2696 JCS

**ORDER GRANTING MOTION TO
DISMISS COMPLAINT FOR FAILURE
TO FILE ACTION WITHIN THE
APPLICABLE STATUTE OF
LIMITATIONS PERIOD [Docket No. 5]**

On July 8, 2005, Defendant filed a Motion to Dismiss Complaint for Failure to File Action Within the Applicable Statute of Limitations Period ("the Motion"). The Motion was noticed for hearing on August 19, 2005. Pursuant to Civil Local Rule 7-3, Plaintiff was required to file an Opposition to the Motion no later than July 29, 2005. To date, no Opposition has been filed. Accordingly, the Motion is GRANTED on the basis that it is unopposed. The action is dismissed, in its entirety, with prejudice.¹

IT IS SO ORDERED.

Dated: August 10, 2005


JOSEPH C. SPERO
United States Magistrate Judge

¹The parties have consented to the jurisdiction of the undersigned magistrate judge. Therefore, this Court has jurisdiction over the action pursuant to 28 U.S.C. § 636(c).